

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.5797 of 2006

DATED: 31-03-2006

Between:

M.Surayanarayana . . .Petitioner

And

The District Collector, Vizianagaram and others . . .Respondents

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.5797 of 2006

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ORDER:

Questioning the postponement of elections to be held on 24-10-2005 to the Marine Fishermen Cooperative Society, Konada, fourth respondent, pursuant to the election notification issued by the District Collector-cum-Election Authority, Vizianagaram, in R.C.No.910/A/04, dated 01-10-2005, the present writ petition has been filed.

Learned counsel for the petitioner would submit that under Rule 22-C of the A.P. Cooperative Societies Rules, 1964, it is only the District Collector, who is competent to postpone the elections under the contingencies specified therein viz., break down of law and order, which effect the peaceful conduct of elections; any natural calamity, which prevents the conduct of elections particularly, participation of the voters in the election, and where there is a reasonable apprehension that the voters will not be allowed to vote frankly and freely. But without there being any order, elections cannot be postponed.

Learned Government Pleader for Cooperation, on instructions, submits that as the Election Officer, who was appointed to conduct elections, was on leave on the specified date, the elections have not taken place.

It is fairly confessed that pursuant to the election notification issued by the District Collector, Election Officer has to issue Form No.1 on 19-10-2005, but there is

no such notice issued by the Election Officer in Form No.1, nor the elections have taken place on 24-10-2005.

In view of the same, the District Collector is hereby directed to reschedule the elections to the fourth respondent society as per the notification and complete the election process, if not already completed.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

(A.GOPAL REDDY, J)

31st MARCH, 2006.

Note: furnish copy by 03-04-2006.

B/o

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